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**FACSIMILE COVER SHEET FROM FACSIMILE NUMBER: (801)521-9639**

Date: January 25, 2002 **Time:** _____
To: U. S. District Court, District of Columbia
Attention: Honorable Colleen Kollar-Kotelly
Facsimile No.: 202-307-1454
Verification No.:
Client No.:
From: Jay D. Gurmankin
Message: Re: Microsoft Settlement

Number of Pages Following this Cover Sheet: 2

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SECRETARY: Anette Cunningham EXT: 3274

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Holme Roberts & Owen LLP



January 24, 2002

SENT VIA:

☐ E-MAIL TO: Microsoft.atr@usdoj.gov
☒ VIA FACSIMILE COPY TO: (202) 307-1454 or (202) 616-9937
☐ 1ST CLASS MAIL TO:

The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia

c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, D.C. 20530-0001

Jay L. Gurmantkin
gurmantj@hro.com

Re: Microsoft Settlement

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Dear Judge Kollar-Kotally:

I write to comment on the proposed settlement in the *Microsoft v. DOJ* case.

I have practiced in the antitrust area for approximately 30 years. Although I am not fully aware of all the facts and circumstances of this particular case, and although I believe that break-up of Microsoft would be too stringent of a remedy, I do not believe the current proposal to settle the case is appropriate.

The district court judge made significant findings concerning antitrust violations committed by Microsoft. Although the Court of Appeals may have determined that the break-up remedy may have been inappropriate, that Court did not reverse the district court's findings on the antitrust violations. Therefore, it is neither prudent nor appropriate for the DOJ of a new administration to propose or support a settlement that does not reflect what our judiciary, after a full and fair airing of the arguments of all sides, might impose.

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I believe the most appropriate course of action would be for the court, on remand, to conduct a proceeding to determine an appropriate remedy. At such a hearing, all parties, including the attorneys general of the interested states, to present their positions concerning the appropriate remedy.

Respectfully,

A handwritten signature in black ink, appearing to read "Jay" followed by a stylized "G" and "L".

Jay Gurmankin

cc: The Honorable Mark Shurtleff, Utah Attorney General